

1 AN ACT concerning professional regulation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Funeral Directors and Embalmers Licensing
5 Code is amended by changing Sections 1-10, 1-15, 1-20, 5-10,
6 5-15, 5-25, 10-5, 10-10, 10-15, 10-30, 10-35, 10-40, 15-5,
7 15-15, 15-55, 15-75, and 15-80 as follows:

8 (225 ILCS 41/1-10)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 1-10. Definitions. As used in this Code:

11 "Applicant" means any person making application for a
12 license or certificate of registration.

13 "Board" means the Funeral Directors and Embalmers
14 Licensing and disciplinary Board.

15 "Department" means the Department of Professional
16 Regulation.

17 "Director" means the Director of Professional Regulation.

18 "Funeral director and embalmer" means a person who is
19 licensed and qualified to practice funeral directing and to
20 prepare, disinfect and preserve dead human bodies by the
21 injection or external application of antiseptics,
22 disinfectants or preservative fluids and materials and to use
23 derma surgery or plastic art for the restoring of mutilated
24 features. It further means a person who restores the remains
25 of a person for the purpose of funeralization whose organs or
26 bone or tissue has been donated for anatomical purposes.

27 "Funeral director and embalmer intern trainee" means a
28 person licensed by the State who is qualified to render
29 assistance to a funeral director and embalmer in carrying out
30 the practice of funeral directing and embalming under the
31 supervision of the funeral director and embalmer.

1 "Embalming" means the process of sanitizing and
2 chemically treating a deceased human body in order to reduce
3 the presence and growth of microorganisms, to retard organic
4 decomposition, to render the remains safe to handle while
5 retaining naturalness of tissue, and to restore an acceptable
6 physical appearance for funeral viewing purposes.

7 "Funeral director" means a person, known by the title of
8 "funeral director" or other similar words or titles, licensed
9 by the State who practices funeral directing.

10 "Funeral establishment", "funeral chapel", "funeral
11 home", or "mortuary" means a building or separate portion of
12 a building having a specific street address or location and
13 devoted to activities relating to the shelter, care, custody
14 and preparation of a deceased human body and which may
15 contain facilities for funeral or wake services.

16 "Owner" means the individual, partnership, corporation,
17 association, trust, estate, or agent thereof, or other person
18 or combination of persons who owns a funeral establishment or
19 funeral business.

20 "Person" means any individual, partnership, association,
21 firm, corporation, trust or estate, or other entity.

22 (Source: P.A. 87-966.)

23 (225 ILCS 41/1-15)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 1-15. Funeral directing; definition. Conducting or
26 engaging in or representing or holding out oneself as
27 conducting or engaged in any one or any combination of the
28 following practices constitutes the practice of funeral
29 directing:

30 (a) The practice of preparing, otherwise than by
31 embalming, for the burial, cremation, or disposal and
32 directing and supervising the burial or disposal of
33 deceased human remains or performing any act or service

1 in connection with the preparing of dead human bodies.
2 Preparation, direction, and supervision shall not be
3 construed to mean those functions normally performed by
4 cemetery and crematory personnel.

5 (b) The practice of operating a place for preparing
6 for the disposition of deceased human bodies or for
7 caring for deceased human bodies before their
8 disposition. Nothing in this Code shall prohibit the
9 ownership and management of such a place by an unlicensed
10 owner if the place is operated in accordance with this
11 Code and the unlicensed owner does not engage in any form
12 of funeral directing.

13 (c) The removal of a deceased human body from its
14 place of death, institution or other location. The
15 licensed funeral director may engage others who are not
16 licensed funeral directors to assist in the removal if
17 the funeral director directs and instructs them in
18 handling and precautionary procedures and accompanies
19 them on all calls. The transportation of deceased human
20 remains to a cemetery, crematory or other place of final
21 disposition shall be under the immediate direct
22 supervision of a licensee unless otherwise permitted by
23 this Section. The transportation of deceased human
24 remains that are embalmed or otherwise prepared and
25 enclosed in an appropriate container to some other place
26 that is not the place of final disposition, such as
27 another funeral home or common carrier, or to a facility
28 that shares common ownership with the transporting
29 funeral home may be performed under the general
30 supervision of a licensee, but the supervision need not
31 be immediate or direct.

32 (d) The administering and conducting of, or
33 assuming responsibility for administering and conducting
34 of, at need funeral arrangements.

1 (e) The assuming custody of, transportation,
2 providing shelter, protection and care and disposition of
3 deceased human remains and the furnishing of necessary
4 funeral services, facilities and equipment.

5 (f) Using in connection with a name or practice the
6 word "funeral director," "undertaker," "mortician,"
7 "funeral home," "funeral parlor," "funeral chapel," or
8 any other title implying that the person is engaged in
9 the practice of funeral directing.

10 The practice of funeral directing shall not include the
11 phoning in of obituary notices, ordering of flowers for the
12 funeral, or reporting of prices on the firm's general price
13 list as required by the Federal Trade Commission Funeral Rule
14 rule by nonlicensed persons, or like clerical tasks
15 incidental to the act of making funeral arrangements.

16 The making of funeral arrangements, at need, shall be
17 done only by licensed funeral directors or licensed funeral
18 directors and embalmers.

19 (Source: P.A. 87-966.)

20 (225 ILCS 41/1-20)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 1-20. Funeral directing and embalming; definition.
23 "The practice of funeral directing and embalming" means:

24 (a) The practice of preparing, otherwise than by
25 embalming, for the burial, cremation, or disposal and
26 directing and supervising the burial or disposal of
27 deceased human remains or performing any act or service
28 in connection with the preparing of dead human bodies.
29 Preparation, direction, and supervision shall not be
30 construed to mean those functions normally performed by
31 cemetery and crematory personnel.

32 (b) The practice of operating a place for preparing
33 for the disposition of deceased human bodies or for

1 caring for deceased human bodies before their
2 disposition. Nothing in this Code shall prohibit the
3 ownership and management of such a place by an unlicensed
4 owner if the place is operated in accordance with this
5 Code and the unlicensed owner does not engage in any form
6 of funeral directing and embalming.

7 (c) The removal of a deceased human body from its
8 place of death, institution or other location. A licensed
9 funeral director and embalmer intern trainee may remove a
10 deceased human body from its place of death, institution,
11 or other location without another licensee being present.
12 The licensed funeral director and embalmer may engage
13 others who are not licensed funeral directors and
14 embalmers or funeral director and embalmer interns
15 trainees to assist in the removal if the funeral director
16 and embalmer directs and instructs them in handling and
17 precautionary procedures and accompanies them on all
18 calls. The transportation of deceased human remains to a
19 cemetery, crematory or other place of final disposition
20 shall be under the immediate, direct supervision of a
21 licensee unless otherwise permitted by this Section. The
22 transportation of deceased human remains that are
23 embalmed or otherwise prepared and enclosed in an
24 appropriate container to some other place that is not the
25 place of final disposition, such as another funeral home
26 or common carrier, or to a facility that shares common
27 ownership with the transporting funeral home may be
28 performed under the general supervision of a licensee,
29 but the supervision need not be immediate or direct.

30 (d) The administering and conducting of, or
31 assuming responsibility for administering and conducting
32 of, at need funeral arrangements.

33 (e) The assuming custody of, transportation,
34 providing shelter, protection and care and disposition of

1 deceased human remains and the furnishing of necessary
2 funeral services, facilities and equipment.

3 (f) Using in connection with a name or practice the
4 word "funeral director and embalmer", "embalmer",
5 "funeral director", "undertaker", "mortician", "funeral
6 home", "funeral parlor", "funeral chapel", or any other
7 title implying that the person is engaged in the practice
8 of funeral directing and embalming.

9 (g) The embalming or representing or holding out
10 oneself as engaged in the practice of embalming of
11 deceased human bodies or the transportation of human
12 bodies deceased of a contagious or infectious disease.

13 The practice of funeral directing and embalming shall not
14 include the phoning in of obituary notices, ordering of
15 flowers for the funeral, or reporting of prices on the firm's
16 general price list as required by the Federal Trade
17 Commission Funeral Rule rule by nonlicensed persons, or like
18 clerical tasks incidental to the act of making funeral
19 arrangements.

20 The making of funeral arrangements, at need, shall be
21 done only by licensed funeral directors or licensed funeral
22 directors and embalmers. Licensed funeral director and
23 embalmer interns trainees may, however, assist or participate
24 in the arrangements.

25 (Source: P.A. 87-966.)

26 (225 ILCS 41/5-10)

27 (Section scheduled to be repealed on January 1, 2013)

28 Sec. 5-10. Funeral director license; display.

29 Every holder of a license as a funeral director shall
30 display it in a conspicuous place in the licensee's holder's
31 place of practice or in the place of practice in which the
32 licensee holder is employed or, in case the licensee holder
33 is engaged in funeral directing at more than one place of

1 practice, then in the licensee's holder's principal place of
2 practice or the principal place of practice of the licensee's
3 holder's employer.

4 (Source: P.A. 87-966.)

5 (225 ILCS 41/5-15)

6 (Section scheduled to be repealed on January 1, 2013)

7 Sec. 5-15. Expiration and renewal; inactive status;
8 continuing education. The expiration date and renewal period
9 for each license issued under this Article shall be set by
10 rule. The holder of a license as a licensed funeral director
11 may renew the license during the month preceding the
12 expiration date of the license by paying the required fee. A
13 licensed funeral director whose license has expired may have
14 the license reinstated within 5 years from the date of
15 expiration upon payment of the required reinstatement fee.
16 The reinstatement shall be effective as of the date of
17 reissuance of the license.

18 Any licensed funeral director whose license has been
19 expired for more than 5 years may have the license restored
20 only by fulfilling the requirements of the Department's rules
21 and by paying the required restoration fee. However, any
22 licensed funeral director whose license has expired while he
23 or she has been engaged (1) in federal service on active duty
24 with the Army of the United States, the United States Navy,
25 the Marine Corps, the Air Force, the Coast Guard, or the
26 State Militia called into the service or training of the
27 United States of America or (2) in training or education
28 under the supervision of the United States preliminary to
29 induction into the military service may have his or her
30 license restored without paying any lapsed renewal fees or
31 restoration fee or without passing any examination if, within
32 2 years after termination of the service, training or
33 education other than by dishonorable discharge, he or she

1 furnishes the Department with an affidavit to the effect that
2 he or she has been so engaged and that his or her service,
3 training or education has been so terminated.

4 In addition to any other requirement for renewal of a
5 license or reinstatement of an expired license, ~~beginning~~
6 ~~with--licenses--renewed-or-reinstated-in-1993,~~ as a condition
7 for the renewal or reinstatement of a license as a licensed
8 funeral director, each licensee shall provide evidence to the
9 Department of completion of at least 12 hours of continuing
10 education during the 24 months preceding the expiration date
11 of the license, or in the case of reinstatement, during the
12 24 months preceding application for reinstatement. The
13 continuing education sponsors shall be approved by the Board.
14 In addition, any qualified continuing education course for
15 funeral directors offered by a college, university, the
16 Illinois Funeral Directors Association, Funeral Directors
17 Services Association of Greater Chicago, Cook County
18 Association of Funeral Home Owners, Inc., ~~Illinois--Selected~~
19 ~~Morticians--Association,--Inc.,~~ National Funeral Directors
20 Association, Selected Independent Funeral Homes National
21 ~~Foundation--of-Funeral-Service,--National-Selected-Morticians,~~
22 National Funeral Directors and Morticians Association, Inc.,
23 International Order of the Golden Rule, or an Illinois school
24 of mortuary science shall be accepted toward satisfaction of
25 the continuing education requirements.

26 The Department shall establish by rule a means for
27 verification of completion of the continuing education
28 required by this Section. This verification may be
29 accomplished through audits of records maintained by
30 licensees, by requiring the filing of continued education
31 certificates with the Department or a qualified organization
32 selected by the Department to maintain these records, or by
33 other means established by the Department.

34 A person who is licensed as a funeral director under this

1 Act and who has engaged in the practice of funeral directing
2 for at least 40 years shall be exempt from the continuing
3 education requirements of this Section. In addition, the
4 Department shall establish by rule an exemption or exception
5 for funeral directors who, by reason of advanced age, health
6 or other extreme condition should reasonably be excused from
7 the continuing education requirement upon explanation to the
8 Board, the approval of the Director, or both. Those persons,
9 identified above, who cannot attend on-site classes, shall
10 have the opportunity to comply by completing home study
11 courses designed for them by sponsors.

12 Any funeral director who notifies the Department in
13 writing on forms prescribed by the Department may elect to
14 place his or her license on an inactive status and shall be
15 excused from completion of continuing education requirements
16 until he or she notifies the Department in writing of an
17 intent to restore the license to active status. Any
18 licensee requesting restoration from inactive status shall
19 notify the Department as provided by rule of the Department
20 and pay the fee required by the Department for restoration of
21 the license. Any licensee whose license is on inactive
22 status shall not practice in the State of Illinois.

23 Practice on a license that has lapsed or been placed in
24 inactive status is practicing without a license and a
25 violation of this Code Act.

26 (Source: P.A. 92-641, eff. 7-11-02.)

27 (225 ILCS 41/5-25)

28 (Section scheduled to be repealed on January 1, 2013)

29 Sec. 5-25. Prohibition of new licenses. The Department
30 shall not issue any new licenses as funeral directors or
31 funeral director trainees. Any person issued a license as a
32 funeral director before June 1, 1991 may renew the license
33 after that date under the provisions of this Article and that

1 person may continue to renew or restore the license during
2 his or her lifetime, subject only to the renewal or
3 restoration requirements for the license under this Code.

4 ~~Any person issued a license as a funeral director trainee
5 before June 17, 1991 may not renew or restore that license.~~

6 Notwithstanding any other provision of this Code or any
7 predecessor Act, the Department shall issue a license as a
8 funeral director to every person:

9 (1) who has graduated from a program of mortuary
10 science;

11 (2) who passed the examination for licensing as a
12 funeral director under the Funeral Directors and
13 Embalmers Licensing Act of 1935 on or after June 17, 1988
14 but before June 27, 1991;

15 (3) who has completed one calendar year of training
16 as a licensed funeral director and embalmer trainee under
17 the supervision of a licensed funeral director and
18 embalmer; and

19 (4) who has on file or files an application for a
20 license as a funeral director within 30 days after the
21 effective date of this amendatory Act of 1994.

22 (Source: P.A. 87-966; 88-659.)

23 (225 ILCS 41/10-5)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 10-5. License requirement. It is unlawful for any
26 person to practice or attempt to practice funeral directing
27 and embalming without being licensed by the Department.

28 No person shall practice funeral directing and embalming
29 who does not have a fixed place of practice or establishment
30 in Illinois devoted to the care and preparation for burial or
31 for transportation of deceased human bodies, or who is not
32 regularly employed in a fixed place of practice or
33 establishment.

1 No person shall practice funeral directing and embalming
2 independently at the fixed place of practice or establishment
3 of another licensee unless his or her name shall be published
4 and displayed at all times in connection therewith.

5 No licensed intern trainee shall independently practice
6 funeral directing and embalming; however, a licensed funeral
7 director and embalmer intern trainee may under the immediate
8 personal supervision of a licensed funeral director and
9 embalmer assist a licensed funeral director and embalmer in
10 the practice of funeral directing and embalming.

11 No person shall practice as a funeral director and
12 embalmer intern trainee unless he or she possesses a valid
13 license in good standing to do so in the State of Illinois.

14 (Source: P.A. 87-966.)

15 (225 ILCS 41/10-10)

16 (Section scheduled to be repealed on January 1, 2013)

17 Sec. 10-10. License qualifications. A person who meets
18 all of the following requirements is qualified to receive a
19 license as a funeral director and embalmer:

20 (a) Is at least 18 years of age.

21 (b) Has successfully completed one academic year in a
22 college or university and has successfully completed a course
23 of instruction of at least one year duration in a
24 professional school or college teaching the practice of
25 funeral directing and embalming that is recognized and
26 approved by the Department.

27 (c) Has studied funeral directing and embalming in this
28 State under a funeral director and embalmer, licensed under
29 this Code or any prior Act, for at least one year.
30 Nevertheless, no credit shall be given for the study of
31 funeral directing and embalming in this State as an intern a
32 trainee unless the applicant during the period of study was a
33 licensed funeral director and embalmer intern trainee.

1 (d) Is satisfactorily versed in approved measures used
2 by the practice for the prevention and against the spread of
3 disease and has the skills reasonably involved, and is
4 adequately and properly protected against communicable
5 diseases by means usually adopted and approved by medical
6 science.

7 (e) Has passed an examination developed or acquired by
8 the Department and conducted by the Department or its
9 designee to determine the fitness of an applicant to receive
10 a license as a licensed funeral director and embalmer.

11 (Source: P.A. 89-387, eff. 8-20-95.)

12 (225 ILCS 41/10-15)

13 (Section scheduled to be repealed on January 1, 2013)

14 Sec. 10-15. Intern Trainee license qualifications. A
15 person who meets all of the following requirements is
16 qualified to receive a license as a licensed funeral director
17 and embalmer intern trainee:

18 (a) Is at least 18 years of age.

19 (b) Has successfully completed one academic year in a
20 college or university and has successfully completed a course
21 of instruction of at least one year duration in a
22 professional school or college teaching the practice of
23 funeral directing and embalming that is recognized and
24 approved by the Department.

25 (c) Has been accepted for internship training in funeral
26 directing and embalming by an Illinois licensed funeral
27 director and embalmer.

28 (d) Is satisfactorily versed in approved measures used
29 by the profession for the prevention and against the spread
30 of disease and has the skills reasonably involved, and is
31 adequately protected against communicable diseases by means
32 usually adopted by medical science.

33 (Source: P.A. 89-387, eff. 8-20-95.)

1 (225 ILCS 41/10-30)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 10-30. Issuance, display of license. Whenever an
4 applicant has met the requirements of this Code, the
5 Department shall issue to the applicant a license as a
6 licensed funeral director and embalmer or licensed funeral
7 director and embalmer intern trainee, as the case may be.

8 Every holder of a license shall display it in a
9 conspicuous place in the licensee's place of practice or in
10 the place of practice in which the licensee is employed. In
11 case the licensee is engaged in funeral directing and
12 embalming at more than one place of practice, then the
13 license shall be displayed in the licensee's principal place
14 of practice or the principal place of practice of the
15 licensee's employer.

16 (Source: P.A. 87-966.)

17 (225 ILCS 41/10-35)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 10-35. Renewal; reinstatement; restoration;
20 continuing education. The expiration date and renewal period
21 for each license issued under this Article shall be set by
22 rule. The holder of a license as a licensed funeral director
23 and embalmer or funeral director and embalmer intern trainee
24 may renew the license during the month preceding the
25 expiration date of the license by paying the required fee. A
26 licensed funeral director and embalmer or licensed funeral
27 director and embalmer trainee whose license has expired may
28 have the license reinstated within 5 years from the date of
29 expiration upon payment of the required reinstatement fee and
30 fulfilling the requirements of the Department's rules. The
31 reinstatement of the license is effective as of the date of
32 the reissuance of the license.

33 Any licensed funeral director and embalmer whose license

1 has been expired for more than 5 years may have the license
2 restored only by fulfilling the requirements set forth in the
3 Department's rules and by paying the required restoration
4 fee. However, any licensed funeral director and embalmer or
5 licensed funeral director and embalmer intern trainee whose
6 license has expired while he or she has been engaged (1) in
7 federal service on active duty with the Army of the United
8 States, the United States Navy, the Marine Corps, the Air
9 Force, the Coast Guard, or the State Militia called into the
10 service or training of the United States of America or (2) in
11 training or education under the supervision of the United
12 States preliminary to induction into the military service,
13 may have his or her the license restored without paying any
14 lapsed renewal fees or restoration fee or without passing any
15 examination if, within 2 years after termination of the
16 service, training or education other than by dishonorable
17 discharge, he or she the licensee furnishes the Department
18 with an affidavit to the effect that he or she has been so
19 engaged and that his or her service, training or education
20 has been so terminated.

21 No license of a funeral director and embalmer intern
22 trainee shall be renewed more than twice.

23 In addition to any other requirement for renewal of a
24 license or reinstatement of an expired license, ~~beginning~~
25 ~~with-licenses-renewed-or-reinstated-in-1993--and--thereafter,~~
26 as a condition for the renewal or reinstatement of a license
27 as a licensed funeral director and embalmer, each licensee
28 shall provide evidence to the Department of completion of at
29 least 24 hours of continuing education during the 24 months
30 preceding the expiration date of the license, or in the case
31 of reinstatement, within the 24 months preceding the
32 application for reinstatement. The continuing education
33 sponsors shall be approved by the Board. In addition, any
34 qualified continuing education course for funeral directors

1 and embalmers offered by a college, university, the Illinois
2 Funeral Directors Association, Funeral Directors Services
3 Association of Greater Chicago, Cook County Association of
4 Funeral Home Owners, Inc., ~~Illinois--Selected--Morticians~~
5 ~~Associations, Inc.,~~ National Funeral Directors Association,
6 Selected Independent Funeral Homes ~~National-Foundation-of~~
7 ~~Funeral--Service,--National--Selected--Morticians,~~ National
8 Funeral Directors and Morticians Association, Inc.,
9 International Order of the Golden Rule, or an Illinois school
10 of mortuary science shall be accepted toward satisfaction of
11 the continuing education requirements.

12 The Department shall establish by rule a means for
13 verification of completion of the continuing education
14 required by this Section. This verification may be
15 accomplished through audits of records maintained by
16 licensees, by requiring the filing of continued education
17 certificates with the Department or a qualified organization
18 selected by the Department to maintain the records, or by
19 other means established by the Department.

20 A person who is licensed as a funeral director and
21 embalmer under this Act and who has engaged in the practice
22 of funeral directing and embalming for at least 40 years
23 shall be exempt from the continuing education requirements of
24 this Section. In addition, the Department shall establish by
25 rule an exemption or exception for funeral directors and
26 embalmers who, by reason of advanced age, health or other
27 extreme condition, should reasonably be excused from the
28 continuing education requirement upon explanation to the
29 Board, the approval of the Director, or both. Those persons,
30 identified above, who cannot attend on-site classes, shall
31 have the opportunity to comply by completing home study
32 courses designed for them by sponsors.

33 Any funeral director and embalmer who notifies the
34 Department in writing on forms prescribed by the Department,

1 may elect to place his or her license on an inactive status
2 and shall be excused from completion of continuing education
3 requirements until he or she notifies the Department in
4 writing of an intent to restore the license to active status.
5 While on inactive status, the licensee shall only be required
6 to pay a single fee, established by the Department, to have
7 the license placed on inactive status. Any licensee
8 requesting restoration from inactive status shall notify the
9 Department as provided by rule of the Department and pay the
10 fee required by the Department for restoration of the
11 license. Any licensee whose license is on inactive status
12 shall not practice in the State of Illinois.

13 Practice on a license that has lapsed or been placed in
14 inactive status is practicing without a license and a
15 violation of this Code.

16 (Source: P.A. 90-50, eff. 1-1-98.)

17 (225 ILCS 41/10-40)

18 (Section scheduled to be repealed on January 1, 2013)

19 Sec. 10-40. Reciprocity. An applicant who is a funeral
20 director and embalmer registered or licensed under the laws
21 of another state or territory of the United States, or of a
22 foreign country or province, upon satisfactory proof that the
23 applicant has been actively engaged in the practice of
24 funeral directing and embalming therein for a period of not
25 less than one year and upon payment of the required fee, may
26 be granted a license as a licensed funeral director and
27 embalmer by the Department, in its discretion, without
28 examination, upon the following conditions:

29 (a) that the applicant is at least 18 years of age and,
30 at the time of the issuance of a license, is a citizen of the
31 United States or is an alien lawfully admitted into the
32 United States, and is a resident of the State of Illinois;
33 and

1 (b) that the requirements for the registration or
2 licensing of funeral directors and embalmers in the
3 particular state, territory, country or province were, at the
4 date of application, substantially equal to the requirements
5 then in force in this State; and the state, territory,
6 country or province reciprocates with respect to licensed
7 funeral directors and embalmers from the State of Illinois.
8 (Source: P.A. 89-387, eff. 8-20-95.)

9 (225 ILCS 41/15-5) (from Ch. 111, par. 2825)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 15-5. Funeral Directors and Embalmers Licensing and
12 Disciplinary Board. A Funeral Directors and Embalmers
13 Licensing and Disciplinary Board is created and shall consist
14 of 7 persons, 6 of whom are licensed to practice funeral
15 directing and embalming in this State, and one who is a
16 knowledgeable public member. Each member shall be appointed
17 by the Director of the Department. The persons so appointed
18 shall hold their offices for 4 years and until a qualified
19 successor is appointed. All vacancies occurring shall be
20 filled by the Director for the unexpired portion of the term
21 rendered vacant. No member shall be eligible to serve for
22 more than 2 full consecutive terms. Any appointee may be
23 removed by the Director when in his or her discretion he or
24 she finds removal to be in the public interest. The cause for
25 removal must be set forth in writing. The Board shall
26 annually select a chairman from its membership. The members
27 of the Board shall be reimbursed for all legitimate and
28 necessary expenses incurred in attending meetings of the
29 Board. The Board may meet as often as necessary to perform
30 its duties under this Code, and shall meet at least once a
31 year in Springfield, Illinois.

32 ~~The--members-of-the-Board-appointed-and-serving-under-the~~
33 ~~Funeral-Directors-and-Embalmers-Licensing-Act-of--1935--shall~~

1 ~~continue--to--serve--under--the--Funeral--Directors--and--Embalmers~~
2 ~~Licensing--Code--and--until--the--expiration--of--their--appointed~~
3 ~~terms.---These--members--may--be--reappointed--if--eligible--under~~
4 ~~this--Section.~~

5 The Department may seek the advice and recommendations of
6 the Board on any matter relating to the administration and
7 enforcement of this Code.

8 The Department shall seek the advice and recommendations
9 of the Board in connection with any rulemaking or
10 disciplinary actions, including applications for restoration
11 of revoked licenses. The Board shall have 60 days to respond
12 to a Department request for advice and recommendations. If
13 the Department fails to adopt, in whole or in part, a Board
14 recommendation in connection with any rulemaking or
15 disciplinary action, it shall provide a written explanation
16 of its specific reasons for not adopting the Board
17 recommendation. The written explanations shall be made
18 available for public inspection.

19 The Department shall adopt all necessary and reasonable
20 rules and regulations for the effective administration of
21 this Code, and without limiting the foregoing, the Department
22 shall adopt rules and regulations:

23 (1) prescribing a method of examination of
24 candidates;

25 (2) defining what shall constitute a school,
26 college, university, department of a university or other
27 institution to determine the reputability and good
28 standing of these institutions by reference to a
29 compliance with the rules and regulations; however, no
30 school, college, university, department of a university
31 or other institution that refuses admittance to
32 applicants, solely on account of race, color, creed, sex
33 or national origin shall be considered reputable and in
34 good standing;

1 (3) establishing expiration dates and renewal
2 periods for all licenses;

3 (4) prescribing a method of handling complaints and
4 conducting hearings on proceedings to take disciplinary
5 action under this Code; and

6 (5) providing for licensure by reciprocity.

7 (Source: P.A. 91-827, eff. 6-13-00.)

8 (225 ILCS 41/15-15)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 15-15. Complaints; investigations; hearings. The
11 Department may ~~shall~~ conduct regular inspections of all
12 funeral establishments to determine compliance with the
13 provisions of this Code. The Department may upon its own
14 motion and shall upon the verified complaint in writing of
15 any person setting forth facts that if proved would
16 constitute grounds for refusal, suspension, revocation, or
17 other disciplinary action investigate the action of any
18 person holding or claiming to hold a license under this Code.
19 The Department shall report to the Board, on at least a
20 quarterly basis, the status or disposition of all complaints
21 against, and investigations of, license holders. The
22 Department shall, before refusing to issue or renew,
23 suspending, revoking, or taking any other disciplinary action
24 with respect to any license and at least 30 days before the
25 date set for the hearing, notify in writing the licensee of
26 any charges made and shall direct that person to file a
27 written answer to the Board under oath within 20 days after
28 the service of the notice and inform that person that failure
29 to file an answer may result in default being taken and the
30 person's license or certificate may be suspended, revoked,
31 placed on probationary status, or other disciplinary action
32 may be taken, including limiting the scope, nature or extent
33 of practice, as the Director may deem proper. The Department

1 shall afford the licensee an opportunity to be heard in
2 person or by counsel in reference to the charges. Written
3 notice may be served by personal delivery to the licensee or
4 by mailing it by registered mail to the last known business
5 address of licensee. In case the person fails to file an
6 answer after receiving notice, his or her license or
7 certificate may, in the discretion of the Department, be
8 suspended, revoked, or placed on probationary status, or the
9 Department may take whatever disciplinary action deemed
10 proper, including limiting the scope, nature, or extent of
11 the person's practice or the imposition of a fine, without a
12 hearing, if the act or acts charged constitute sufficient
13 grounds for such action under this Act. The hearing on the
14 charges shall be at a time and place as the Department shall
15 prescribe. The Department may appoint a hearing officer to
16 conduct the hearing. The Department shall notify the Board of
17 the time and place of the hearing and Board members shall be
18 allowed to sit at the hearing. The Department has the power
19 to subpoena and bring before it any person in this State, or
20 take testimony of any person by deposition, with the same
21 fees and mileage, in the same manner as prescribed by law in
22 judicial proceedings in circuit courts of this State in civil
23 cases. If the Department determines that any licensee is
24 guilty of a violation of any of the provisions of this Code,
25 disciplinary action may ~~shall~~ be taken against the licensee.
26 The Department may take disciplinary action without a formal
27 hearing subject to Section 10-70 of the Illinois
28 Administrative Procedure Act.

29 (Source: P.A. 87-966; 88-45.)

30 (225 ILCS 41/15-55)

31 (Section scheduled to be repealed on January 1, 2013)

32 Sec. 15-55. Preparation room. The Department shall
33 require that each fixed place of practice or establishment

1 devoted to the care and preparation for burial or for
2 transportation of deceased human bodies maintain a
3 preparation room properly equipped with necessary drainage
4 and ventilation facilities and containing instruments and
5 supplies necessary for the preparation and embalming of
6 deceased human bodies for burial or transportation. Branch
7 operations of main funeral businesses having a preparation
8 room and located in the State of Illinois are exempt from the
9 requirements of this Section.

10 (Source: P.A. 87-966.)

11 (225 ILCS 41/15-75)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 15-75. Violations; grounds for discipline;
14 penalties.

15 (a) Each of the following acts is a Class A misdemeanor
16 for the first offense, and a Class 4 felony for each
17 subsequent offense. These penalties shall also apply to
18 unlicensed owners of funeral homes.

19 (1) Practicing the profession of funeral directing
20 and embalming or funeral directing, or attempting to
21 practice the profession of funeral directing and
22 embalming or funeral directing without a license as a
23 licensed funeral director and embalmer or funeral
24 director.

25 (2) Serving as a intern trainee under a licensed
26 funeral director and embalmer or attempting to serve as a
27 intern trainee under a licensed funeral director and
28 embalmer without a license as a licensed funeral director
29 and embalmer intern trainee.

30 (3) Obtaining or attempting to obtain a license,
31 practice or business, or any other thing of value, by
32 fraud or misrepresentation.

33 (4) Permitting any person in one's employ, under

1 one's control or in or under one's service to serve as a
2 funeral director and embalmer, funeral director, or
3 funeral director and embalmer intern trainee when the
4 person does not have the appropriate license.

5 (5) Failing to display a license as required by
6 this Code.

7 (6) Giving false information or making a false oath
8 or affidavit required by this Code.

9 (b) Each of the following acts or actions is a violation
10 of this Code for which the Department may refuse to issue or
11 renew, or may suspend or revoke any license or may take any
12 disciplinary action as the Department may deem proper
13 including fines not to exceed \$1,000 for each violation.

14 (1) Obtaining or attempting to obtain a license by
15 fraud or misrepresentation.

16 (2) Conviction in this State or another state of
17 any crime that is a felony under the laws of this State
18 or conviction of a felony in a federal court.

19 (3) Violation of the laws of this State relating to
20 the funeral, burial or disposal of deceased human bodies
21 or of the rules and regulations of the Department, or the
22 Department of Public Health.

23 (4) Directly or indirectly paying or causing to be
24 paid any sum of money or other valuable consideration for
25 the securing of business or for obtaining authority to
26 dispose of any deceased human body.

27 (5) Incompetence or untrustworthiness in the
28 practice of funeral directing and embalming or funeral
29 directing.

30 (6) False or misleading advertising as a funeral
31 director and embalmer or funeral director, or advertising
32 or using the name of a person other than the holder of a
33 license in connection with any service being rendered in
34 the practice of funeral directing and embalming or

1 funeral directing. Nothing in this paragraph shall
2 prevent including the name of any owner, officer or
3 corporate director of a funeral business home who is not
4 a licensee in any advertisement used by a funeral home
5 with which the individual is affiliated if the
6 advertisement specifies the individual's affiliation with
7 the funeral home.

8 (7) Engaging in, promoting, selling, or issuing
9 burial contracts, burial certificates, or burial
10 insurance policies in connection with the profession as a
11 funeral director and embalmer, funeral director, or
12 funeral director and embalmer intern trainee in violation
13 of any laws of the State of Illinois.

14 (8) Refusing, without cause, to surrender the
15 custody of a deceased human body upon the proper request
16 of the person or persons lawfully entitled to the custody
17 of the body.

18 (9) Taking undue advantage of a client or clients
19 as to amount to the perpetration of fraud.

20 (10) Engaging in funeral directing and embalming or
21 funeral directing without a license.

22 (11) Encouraging, requesting, or suggesting by a
23 licensee or some person working on his behalf and with
24 his consent for compensation that a person utilize the
25 services of a certain funeral director and embalmer,
26 funeral director, or funeral establishment unless that
27 information has been expressly requested by the person.
28 This does not prohibit general advertising or pre-need
29 solicitation.

30 (12) Making or causing to be made any false or
31 misleading statements about the laws concerning the
32 disposal of human remains, including, but not limited to,
33 the need to embalm, the need for a casket for cremation
34 or the need for an outer burial container.

1 (13) Continued practice by a person having an
2 infectious or contagious disease.

3 (14) Embalming or attempting to embalm a deceased
4 human body without express prior authorization of the
5 person responsible for making the funeral arrangements
6 for the body. This does not apply to cases where
7 embalming is directed by local authorities who have
8 jurisdiction or when embalming is required by State or
9 local law.

10 (15) Making a false statement on a Certificate of
11 Death where the person making the statement knew or
12 should have known that the statement was false.

13 (16) Soliciting human bodies after death or while
14 death is imminent.

15 (17) Performing any act or practice that is a
16 violation of this Code, or any federal, State or local
17 laws, rules, or regulations governing the practice of
18 funeral directing or embalming.

19 (18) Performing any act or practice that is a
20 violation of Section 2 of the Consumer Fraud and
21 Deceptive Business Practices Act.

22 (19) Engaging in unethical or unprofessional
23 conduct of a character likely to deceive, defraud or harm
24 the public in the course of providing professional
25 services or activities.

26 (20) Taking possession of a dead human body without
27 having first obtained express permission from next of kin
28 or a public agency legally authorized to direct, control
29 or permit the removal of deceased human bodies.

30 (21) Advertising in a false or misleading manner or
31 advertising using the name of an unlicensed person in
32 connection with any service being rendered in the
33 practice of funeral directing or funeral directing and
34 embalming. The use of any name of an unlicensed or

1 unregistered person in an advertisement so as to imply
2 that the person will perform services is considered
3 misleading advertising. Nothing in this paragraph shall
4 prevent including the name of any owner, officer or
5 corporate director of a funeral home, who is not a
6 licensee, in any advertisement used by a funeral home
7 with which the individual is affiliated, if the
8 advertisement specifies the individual's affiliation with
9 the funeral home.

10 (22) Directly or indirectly receiving compensation
11 for any professional services not actually performed.

12 (23) Failing to account for or remit any monies,
13 documents, or personal property that belongs to others
14 that comes into a licensee's possession.

15 (24) Treating any person differently to his
16 detriment because of race, color, creed, gender sex,
17 religion, or national origin.

18 (25) Knowingly making any false statements, oral or
19 otherwise, of a character likely to influence, persuade
20 or induce others in the course of performing professional
21 services or activities.

22 (26) Knowingly making or filing false records or
23 reports in the practice of funeral directing and
24 embalming.

25 (27) Failing to acquire continuing education
26 required under this Code.

27 (28) Failing to comply with any of the following
28 required activities:

29 (A) When reasonably possible, a licensee or
30 anyone acting on his or her behalf shall obtain the
31 express authorization of the person or persons
32 responsible for making the funeral arrangements for
33 a deceased human body prior to removing a body from
34 the place of death or any place it may be or

1 embalming or attempting to embalm a deceased human
2 body, unless required by State or local law. This
3 requirement is waived whenever removal or embalming
4 is directed by local authorities who have
5 jurisdiction. If the responsibility for the handling
6 of the remains lawfully falls under the jurisdiction
7 of a public agency, then the regulations of the
8 public agency shall prevail.

9 (B) A licensee shall clearly mark the price of
10 any casket offered for sale or the price of any
11 service using the casket on or in the casket if the
12 casket is displayed at the funeral establishment.
13 If the casket is displayed at any other location,
14 regardless of whether the licensee is in control of
15 that location, the casket shall be clearly marked
16 and the registrant shall use books, catalogues,
17 brochures, or other printed display aids to show the
18 price of each casket or service.

19 (C) At the time funeral arrangements are made
20 and prior to rendering the funeral services, a
21 licensee shall furnish a written statement to be
22 retained by the person or persons making the funeral
23 arrangements, signed by both parties, that shall
24 contain: (i) the name, address and telephone number
25 of the funeral establishment and the date on which
26 the arrangements were made; (ii) the price of the
27 service selected and the services and merchandise
28 included for that price; (iii) a clear disclosure
29 that the person or persons making the arrangement
30 may decline and receive credit for any service or
31 merchandise not desired and not required by law or
32 the funeral director or the funeral director and
33 embalmer; (iv) the supplemental items of service and
34 merchandise requested and the price of each item;

1 (v) the terms or method of payment agreed upon; and
2 (vi) a statement as to any monetary advances made by
3 the registrant on behalf of the family.

4 (c) The Department may refuse to issue or renew, or may
5 suspend, the license of any person who fails to file a
6 return, to pay the tax, penalty or interest shown in a filed
7 return, or to pay any final assessment of tax, penalty or
8 interest as required by any tax Act administered by the
9 Illinois Department of Revenue, until the time as the
10 requirements of the tax Act are satisfied.

11 (Source: P.A. 87-966.)

12 (225 ILCS 41/15-80)

13 (Section scheduled to be repealed on January 1, 2013)

14 Sec. 15-80. Statement of place of practice; roster. Each
15 applicant for a funeral director and embalmer's license shall
16 with his or her application submit a statement of the place
17 of practice, ownership, names and license numbers of all
18 funeral directors and embalmers and funeral directors
19 associated with the applicant. The Department shall keep a
20 record, which shall be open to public inspection at all
21 reasonable times, of its proceedings relating to the
22 issuance, refusal, renewal, suspension and revocation of
23 licenses. This record shall also contain the name, known
24 place of practice and residence, and the date and number of
25 the license of every licensed funeral director and embalmer,
26 licensed funeral director, and licensed funeral director and
27 embalmer intern trainee in this State.

28 The Department shall publish an annual list of the names
29 and addresses of all licensees registered by it under the
30 provisions of this Code, and of all persons whose licenses
31 have been suspended or revoked within the past year, together
32 with other information relative to the enforcement of the
33 provisions of this Code as it may deem of interest to the

1 public. One list shall be mailed to each local registrar of
2 vital statistics upon request by the registrar. Lists shall
3 also be mailed by the Department to any person in the State
4 upon request.

5 (Source: P.A. 87-966.)

6 (225 ILCS 41/15-90 rep.)

7 (225 ILCS 41/20-10 rep.)

8 Section 10. The Funeral Directors and Embalmers
9 Licensing Code is amended by repealing Sections 15-90 and
10 20-10.

1 INDEX

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- 8 225 ILCS 41/5-25
- 9 225 ILCS 41/10-5
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- 17 225 ILCS 41/15-55
- 18 225 ILCS 41/15-75
- 19 225 ILCS 41/15-80
- 20 225 ILCS 41/15-90 rep.
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